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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTONIO HARPER,
Plaintiff,

v.

SERGEANT JUDD, et al.,
Defendants.

Case No. 3:15-cv-00416-RCJ-VPC

Order

Plaintiff has filed a letter the Court will construe as a motion for extension of time. (ECF No. 5-1). Plaintiff requests an extension of 60 to 90 days to file an amended complaint. (*Id.* at 1). Plaintiff also indicates that he is scheduled for release on March 14, 2016. (*Id.*). The Court shall grant Plaintiff's motion for extension (ECF No. 5-1) in part.

The Court reminds Plaintiff that pursuant to Nevada Local Special Rule 2-2, "[t]he plaintiff shall immediately file with the Court written notification of any change of address. The notification must include proof of service upon each opposing party or the party's attorney. Failure to comply with this Rule may result in dismissal of the action with prejudice." Nev. Loc. Special R. 2-2. If Plaintiff is released, he should file his updated address with the Court to

1 avoid dismissal.

2 IT IS HEREBY ORDERED that the Court grants Plaintiff's motion for extension of time
3 (ECF No. 5-1) in part.

4 IT IS FURTHER ORDERED that Plaintiff shall have until April 14, 2016, to file his
5 amended complaint.

6 IT IS FURTHER ORDERED that by April 14, 2016, if Plaintiff is still incarcerated, he
7 shall pay the initial installment of the filing fee (\$56.90) to the Clerk of Court. Failure to
8 comply with this order may result in the dismissal of this action.

9 IT IS FURTHER ORDERED that if Plaintiff does not amend his complaint, and
10 remains incarcerated, the initial installment of the filing fee (\$56.90) is still due by April 14,
11 2016. Plaintiff may notify the Court if he does not intend to file an amended complaint.
12 Failure to comply with this order may result in the dismissal of this action.

13 IT IS FURTHER ORDERED that if Plaintiff is released, he shall file an application to
14 proceed in District Court without prepaying fees or costs.

15 IT IS FURTHER ORDERED that the Clerk of Court SHALL SEND Plaintiff the
16 approved form application to proceed *in forma pauperis* by a non-prisoner, as well as the
17 document entitled information and instructions for filing an *in forma pauperis* application.

18 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
19 approved form for filing a § 1983 complaint, instructions for the same, a copy of his original
20 complaint (ECF No. 4), and a copy of the Court's screening order (ECF No. 3). If Plaintiff
21 chooses to file an amended complaint, he must use the approved form and he shall write
22 the words "First Amended" above the words "Civil Rights Complaint" in the caption.

23 IT IS FURTHER ORDERED that if Plaintiff chooses not to file an amended
24 complaint curing the stated deficiencies of the complaint and otherwise complies with this
25 order, this action shall proceed on Plaintiff's Eighth Amendment claim of excessive force
26 as to defendant Judd, as outlined in the Court's screening order (ECF No. 3). Plaintiff's
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1 Eighth Amendment claim of excessive force shall proceed against John Doe correctional
2 officers #1 and #2 when Plaintiff learns their identity.

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4 DATED this 9th day of March, 2016.

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United States Magistrate Judge
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